

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27119-2020

Reserved on: 18.01.2021

Pronounced on: 25.01.2021

Raman Khosla

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.Vinod Ghai, Senior Advocate with
Ms.Kanika Ahuja, Advocate for the petitioner
Mr.Amit Mehta, Sr.D.A.G. Punjab
Mr.Sunil Chadha, Senior Advocate with
Mr.Akshay Chadha, Advocate and
Mr.Vivek K. Thakur, Advocate for the complainant

Deepak Sibal, J.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.93 dated 24.06.2020 registered under Sections 307, 323, 406, 498-A, 120-B, 312, 313, 420, 506, 34 IPC at Police Station Punjab Agriculture University (PAU), District Police Commissionerate Ludhiana.

Neha Khosla filed a complaint with the police that on 25.09.2017 she got married to the petitioner; though such marriage was the complainant's second and the petitioner's third, the petitioner misled her by stating that it was his second marriage; at the time of marriage several gifts, including cash and jewelry, were given to the petitioner and his relatives; as per demand by the petitioner and his relatives several dowry articles were also given; on 30.08.2018, from the lions of the petitioner, the complainant gave birth to a male child namely Chirag Khosla; the petitioner and his family members being extremely greedy persons used to harass and beat her

for bringing less dowry; on several occasions she was also treated with cruelty; on the birth of Chirag Khosla the petitioner gave her beatings as he expected her to bear a girl child as according to him he would now have to divide his property amongst two of his male heirs; on 12.06.2020, at about 9 pm, the petitioner and his father, armed with a Cricket bat, gave the complainant merciless beatings in which the petitioner's mother also participated; the petitioner attempted to strangle the complainant and his father put a pillow on her face with an intention to kill her; after giving her merciless beatings she was thrown on the road; on being informed the complainant's father and brother came there and got the complainant treated as also medico legally examined.

After filing of the above complaint a supplementary statement was made by the complainant in which she stated that on two occasions when she was pregnant she was given beatings by the petitioner leading to miscarriages.

Learned senior counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case on account of marital discord between the petitioner and the complainant; the allegations with regard to giving of beatings by the petitioner leading to the complainant's miscarriages is falsified from the medical record as the same clearly depicts that the complainant got the abortions done with her consent; on 12.06.2020 it was the complainant who started a scuffle and gave beatings to the petitioner and his parents and in this regard attention of this Court was drawn to two medico legal reports; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, no case under Section 307 IPC is made out and under interim orders passed by this

Court the petitioner has not only joined investigation he has fully cooperated with the investigating agency.

Learned State counsel as also learned senior counsel appearing for the complainant opposed the grant of anticipatory bail to the petitioner on the ground that the petitioner and his parents have consistently harassed the complainant for bringing less dowry; the complainant's MLR clearly reveals that merciless beatings have been given to her and that the MLRs produced by the petitioner of alleged beatings to him by the complainant on 12.06.2020 are dated 16.06.2020 i.e. after an explained delay of four days casting a shadow of doubt on them.

The complainant's MLR dated 12.06.2020 shows the following injuries:-

Injuries:-

1. Reddish bluish bruises 2 x 2 x 0.5 cm- Lt forehead Diffuse swelling – X-Ray skull Advised
2. Bluish swelling over left eyelid - Complaint of diminishing of vision - Eye opinion Advised.
3. Diffuse red swelling over left mandibular region – Complaint of loosening of teeth from lower left jaw – Advised Dental opinion.
4. Multiple reddish bruises of varying sizes around neck.
5. Multiple reddish bruises of varying sizes over left elbow – X-Ray Lt. Elbow Advised Ortho opinion.
6. Reddish Bruises of multiple varying sizes over occipital region. Simple.
7. C/o pain over left flank. USG and Surgical opinion.
8. Reddish bruises 2 x 2 x 0.5 cm over Rt. Knee – X-Ray Rt. Knee Rt. Ortho opinion.
9. Reddish Bruises over Lt. side of Nose. ENT opinion
10. C/o Pain over _____ (not legible) No external bleeding. Gynae opinion.

Probable duration of injuries _____

The kind of weapon used or poison 1, 2, 3, 4, 5, 6, 8, 9 – **Blunt**

7, 10 - Uncertain”

The complainant's MLR reveals as many as ten injuries on her

person including five on her head/ face; one on her vagina and multiple reddish bruises of varying sizes around her neck. Eight of the ten injuries are medically opined to have been inflicted by a blunt weapon.

The above injuries and the medical opinion with regard to 8 of them having been inflicted with a blunt weapon give prima facie credence to the allegations by the complainant with regard to the petitioner having attempted to murder her by strangulation and of beating her with a cricket bat (a blunt weapon).

In the prosecution's case there are also found allegations against the petitioner for having constantly harassing the complainant for bringing less dowry; for having withheld from the complainant the factum of his second marriage and for having given her merciless beatings on several occasions.

In view of the above and because recovery of the alleged dowry articles/ weapon(s) is required to be made as also for the reason that in the present case the petitioner is the main accused this Court is of the considered view that the petitioner does not deserve the concession of anticipatory bail.

Dismissed.

It is clarified that the above observations have been made by this Court to decide the present petition seeking anticipatory bail in which investigation is still going on and therefore these observations be not construed as opinion on the merits of the case.

25.01.2021
gk

(Deepak Sibal)
Judge

Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No